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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Barbara J. Bolle

June 30, 2003

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Examiner: Christopher J. Fulton

For: EXTERNAL GAUGE FOR LIQUOR INVENTORY CONTROL

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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RESPONSE TO EXAMINER'S ACTION DATED DECEMBER 31, 2002

Sir:

In response to the examiner's rejection of claims 1, 4, 5 and 8 as unpatentable over Carr in view of Marcussen, claims 2 and 6 further in view of Hornig, and claims 3 and 7 further in view of McDermott, applicant comments further as follows:

The Specification was believed properly updated (page 1, line 1) in the previous response dated November 18, 2002, with the possible exception that the words - - now abandoned - - might be inserted after "1999."

The examiner argues it would be obvious "to make the gauge of Carr a hand held gauge to be placed along the side of the bottle as taught by Marcussen." But the combination of Carr with Marcussen does not necessitate a gauge starting at the outside bottom of the bottle, rather the combination only suggests a gauge that reaches down to the inside bottom of the bottom because Marcussen teaches a gauge that measures from the top of the bottle as the reference point of the gauge. The Carr gauge makes no suggestion of terminating at the outside bottom of the bottle or using the outside bottom as a reference point for the gauge because the Carr

gauge wraps under the bottle outside bottom and comes up the opposite side of the bottle with a second gauge. At most, Carr, in view of Marcussen, teaches a shaped gauge that extends downwardly from the bottle top as a reference point to the inside bottom of the bottle regardless of whether the gauge reads upwardly (Carr) or downwardly (Marcussen). Neither Carr nor Marcussen teaches a gauge edge extending from the outside bottom or gauge bottom lying in a plane coincident with the plane of the outside bottle bottom as required by applicant's independent claims 1 and 5, as previously amended. The combination of Carr and Marcussen requires a further inventive step to meet claims 1 and 5 of applicant, and that further inventive step is not suggested; therefore, independent claims 1 and 5 are believed patentable.

The remaining claims 2-4 and 6-8 incorporate claims 1 and 5 by reference and therefore are believed allowable upon the allowance of claims 1 and 5.

Respectfully submitted,

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